

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

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|--|---|---------------------------|
| Adrienne Lemon, Sr., |) | C/A No.: 3:10-cv-2758-JFA |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| John Doe in his capacity as Officer(s) |) | |
| for The City of Sumter Police |) | |
| Department, Richard Roe in his |) | |
| Capacity as Officer(s) for the Sumter |) | |
| County Sherriff's Department, City of |) | |
| Sumter Police Department, and Sherriff |) | |
| of Sumter County, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court upon five motions filed by the parties. For the reasons stated at the hearing held before this court on August 18, 2011, the court orders the following: (1) the Plaintiff's motion to amend the complaint to add specific police officers in place of Richard Roe is granted; (2) Defendants Richard Roe and the Sherriff of Sumter County's motion for summary judgment is denied without prejudice; (3) Plaintiff's motion to strike the affidavits attached to the Defendants' motion for summary judgment is denied; and (4) the Defendants' motion to strike Plaintiff's allegations for emotional damages is held in abeyance. The court gives the parties until September 20, 2011, to conduct additional discovery limited to the following: (1) retaking the deposition of the Plaintiff, if the parties so desire; (2) taking the deposition of Gloria Jenkins; and (3) giving the Plaintiff's time to find the name of the doctors in Florida who treated the

Plaintiff and are the subject of the Defendants' motion to strike Plaintiff's allegations for emotional damages. The Plaintiff should take every reasonable step necessary to locate these individuals, and if their identities are discovered, the Defendants are permitted to take their deposition. The court will issue an amended scheduling order, which will indicate the dates by which the parties must file their renewed dispositive motions.

Finally, with respect to the motion for attorney's fees filed by Defendants City of Sumter Police Department and John Doe, the court grants the motion, but reduces the amount of fees to be awarded. The court grants the motion for the amount of \$1,145.95. This figure was reached by only including in the court's calculation all of the costs incurred and legal work performed by the attorneys for the City of Sumter Police Department and John Doe after the depositions of Officers Brown, DuBose, and Welch were taken on May 18, 2011. After this date, the court believes the Plaintiff should have known that the City of Sumter Police Department was not involved with the traffic stop and should have been willing to dismiss it from this suit. The court finds the hours expended and the hourly rate requested to be reasonable for the period from May 18, 2011 forward.

IT IS SO ORDERED.

August 19, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge